

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BEARBOX LLC and AUSTIN STORMS,

Plaintiffs,

V.

LANCIUM LLC, MICHAEL T. MCNAMARA,
and RAYMOND E. CLINE, JR.

Defendants.

REDACTED PUBLIC VERSION

C.A. No. 21-534-MN-CJB

**PLAINTIFFS' RESPONSE TO DEFENDANTS' SUPPLEMENTAL CONCISE
STATEMENT OF FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

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Dated: July 22, 2022

Pursuant to the Court's Scheduling Order (D.I. 35), Plaintiffs BearBox LLC ("BearBox") and Austin Storms ("Storms") (collectively, "Plaintiffs") submit the following response to the Defendants' Supplemental Concise Statement of Undisputed Materials Facts (D.I. 169).

24. **Disputed as incomplete.** Mr. Duski opined in his April 5, 2022 report as to certain of Defendants' unjust enrichment. But Mr. Duski prepared his April 5, 2022 report before Plaintiffs and Mr. Duski received and reviewed Lancium financial and operational documents produced on May 10, 2022. Lancium had previously withheld those documents, but on April 22, 2022, the Court granted Plaintiffs' Motion to Compel, ordering Defendants to produce them. Mr. Duski's supplemental report served on May 27, 2022 (D.I. 170 Ex. 25), and his reply report served on June 24, 2022 (Ex. EE), take into consideration Defendants' documents produced after Mr. Duski's opening report.

25. **Disputed as incomplete.** See response to paragraph 24.

26. **Disputed as incomplete.** See response to paragraph 24.

27. Admitted for purposes of this motion.

28. Admitted for purposes of this motion, with the clarification that "alternative unjust" should read "alternative to unjust."

29. **Disputed as incomplete.** Mr. Duski relies, in part, on a [REDACTED] [REDACTED] but he also relies on other evidence (documents and testimony) as cited throughout his reports.

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of July, 2022, the attached Plaintiffs' **RESPONSE TO DEFENDANTS' SUPPLEMENTAL CONCISE STATEMENT OF FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** was served upon the below-named counsel of record at the address and in the manner indicated:

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